



CALIFORNIA STATE PERSONNEL BOARD

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ARNOLD SCHWARZENEGGER, Governor



CALIFORNIA STATE PERSONNEL BOARD MEETING

801 Capitol Mall
Sacramento, California

Public Session Location – 801 Capitol Mall
Sacramento, CA 95814, Room 150

Closed Session Location – 801 Capitol Mall
Sacramento, CA 95814, Room 141

SUMMARY MINUTES – JANUARY 8, 2008

FULL MONTH BOARD MEETING MINUTES¹

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

Members present:

Sean Harrigan, President
Richard Costigan, Vice President
Anne Sheehan, Member
Maeley Tom, Member
Pat Clarey, Member

2. REPORT OF THE EXECUTIVE OFFICER - Suzanne M. Ambrose

- SSA Exam
 - Rank 1 has one general re-employment eligibility candidate;
 - Ranks 2, 3 and 4 contain those with veteran's points only; currently there are 15 individuals in these three ranks;
 - There are 1,465 individuals in Rank 5;
 - 332 (29 veterans) candidates have been hired off the SSA list; and
 - 5 SROA candidates have been added to the top of the SSA list.

3. REPORT OF THE DEPARTMENT OF PERSONNEL ADMINISTRATION (DPA) - DPA Representatives

David Gilb introduced Belinda Collins as the new Chief of the Classification and Compensation Division, replacing Darryl Tsujihara. Belinda will be presenting the DPA report in the future.

Belinda gave a brief report on her background and recent activities at DPA.

4. REPORT OF CPS HUMAN RESOURCE SERVICES

This item was moved to the next full Board Meeting.

5. REPORT OF THE CHIEF COUNSEL - Elise Rose

- McCollum v. State of California - Case involving religious discrimination claims by Wiccan reverend who claims state improperly established paid chaplaincy classifications for only five religious groups, not including Wiccan.

¹ The Minutes for the Board meetings can be obtained at the following internet address:
<http://www.spb.ca.gov/about/board/agenda/index.htm>.

The superior court has decided to allow the case to proceed on the merits. Plaintiff claims that the state's classification system violates the Establishment Clause of the federal and state constitutions.

- Plata v. Schwarzenegger
 - The *Plata* Receiver has demanded that SPB issue the Receiver's office an agency examination code, has set forth a list of classifications that he believes are subject to his jurisdiction over the health care system for inmates, and has requested delegation of a number of functions, many of which are carried out by the State Personnel Board staff.
 - The Receiver has submitted another brief to the federal court renewing its motion that the court waive state law so that the Receiver may implement his peer review process for CDCR physicians.
- Elliott v. SPB (California State University) The superior court denied California State University's writ and granted appellant's writ petition upholding the SPB's decision revoking dismissal. SPB is to retain jurisdiction in order to resolve back-pay issues.

6. NEW BUSINESS

NONE PRESENTED

7. REPORT ON LEGISLATION - Sherry Evans

Sherry Evans, Director of Legislation reported on the Board's 2008 legislative proposals and upcoming meetings with stakeholders. Board staff will be meeting with stakeholders to discuss expanding job opportunities to persons with developmental disabilities.

Sherry Evans will attend the 2008 Foster Youth Career Development and Employment Summit scheduled January 8-9, 2008, in Sacramento.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

8. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matters submitted at prior hearing.
[Government Code Sections 11126(c)(3), 18653].

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

9. DISCUSSION WITH DEPARTMENT OF PERSONNEL ADMINISTRATION AND CALIFORNIA ASSOCIATION OF PROFESSIONAL SCIENTISTS REGARDING STATE PERSONNEL BOARD PARTICIPATION IN INTEREST BASED BARGAINING

- Dave Gilb, Department of Personnel Administration
- Christopher Voight, California Association of Professional Scientists

Interest Based Bargaining was discussed and the Board agreed that SPB would participate on an as-needed basis regarding matters involving the merit principle.

10. REVIEW OF STATE PERSONNEL BOARD'S STRATEGIC PLAN

- Suzanne M. Ambrose, State Personnel Board

SPB Executive Staff will meet in a separate session with Board members to discuss the SPB's Strategic Plan.

11. SELECTION ANALYST CERTIFICATE PRESENTATION

- Suzanne M. Ambrose, California State Personnel Board

This item was deferred to the next full Board Meeting.

12. RECOGNITION: STAFF SERVICES MANAGER I EXAMINATION

The five-member State Personnel Board complimented and recognized individuals from the Health and Human Services Agency departments and the State Personnel Board (SPB). President Harrigan specifically acknowledged Lorna Fong and Anne Boyton for their respective roles in this significant project.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

13. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matters submitted at prior hearing.
[Government Code Sections 11126©(3), 18653].

14. DELIBERATION ON NON-EVIDENTIARY CASES, ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES

Deliberations on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126(c)(3), and 18653.]

15. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.
[Government Code sections 11126(e)(1), 18653.]

Patrick McCollum v. State of California
United States District Court, Northern District of California
Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.
Case No. C01-1351 THE

Colocousis, et al. v. State Personnel Board, et al.
Sacramento Superior Court Case No. 07CS00461

16. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the Legislature.
[Government Code section 18653.]

17. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the Governor.
[Government Code section 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

BOARD ACTIONS:

**18. DISCUSSION OF UPCOMING BOARD MEETING SCHEDULE OF
JANUARY 22, 2008, IN SACRAMENTO, CALIFORNIA**

ACTION: NONE

**19. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES
FROM DECEMBER 4, 2007, BOARD MEETING**

ACTION: ADOPTED

VOTE: Harrigan, Costigan, Sheehan, Tom, Clarey - Aye

20. ANNOUNCEMENT OF ACTIONS TAKEN ON EVIDENTIARY CASES

ACTION: See Minutes on pages 9-14

**21. RESOLUTION EXTENDING TIME PURSUANT TO GOVERNMENT CODE
SECTION 18671.1**

ACTION: ADOPTED

VOTE: Harrigan, Costigan, Sheehan, Tom, Clarey - Aye

22. ANNOUNCEMENT OF ACTIONS TAKEN ON NON-EVIDENTIARY CASES

ACTION: See Minutes on pages 14-16

23. NON-HEARING CALENDAR

On January 8, 2008, the following proposals were presented to the Board by Elise S. Rose, Chief Counsel, California State Personnel Board.

ACTION: ADOPTED

VOTE: Harrigan, Costigan, Sheehan, Tom, Clarey – Aye

- A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.**

NONE

- B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**

NONE

24. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

NONE

25. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

- A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION**

PRINCIPAL HEALTH POLICY ADVISOR, CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM BOARD

The California Public Employees Retirement System (CalPERS) Board proposes to allocate the above position to the CEA category. The position reports directly to the CalPERS Board and serves as a liaison between CalPERS staff and the CalPERS Board with significant impact on policy issues of concern. The position will advise on health policy matters to the Board.

**ASSISTANT DEPUTY DIRECTOR, OFFICE OF HEALTH PLAN
OVERSIGHT, DEPARTMENT OF MANAGED HEALTH CARE**

The Department of Managed Health Care proposes to allocate the above position to the CEA category. This position is responsible for managing and directing the statewide activities of the Office of Health Plan Oversight and charged with ensuring that all managed care health plans in California are in compliance with all licensing requirements and meet specific standards for financial integrity, viability and health care delivery.

**ASSISTANT DIRECTOR, BUDGET MANAGEMENT BRANCH, OFFICE
OF FISCAL SERVICES, DEPARTMENT OF CORRECTIONS AND
REHABILITATION**

The Department of Corrections and Rehabilitation (CDCR) proposes to allocate the above position to the CEA category. Under the general direction of the Deputy Director, Office of Fiscal Services, the Assistant Director is responsible for planning, organizing and directing the development of the CDCR Population Budget Change Proposal process to an Estimate format. The requirement to change the population format and develop new budgeting methodologies for all of the adult and juvenile programs within CDCR is set forth in Chapter 171 of the Statutes of 2007. The Assistant Director has full responsibility and extensive involvement in the formulation of program and policy; ensures consistency and uniformity in the development, implementation, and management of policy and procedures

**DEPUTY DIRECTOR, HOUSING AND MEDIATION PROGRAMS,
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**

The Department of Fair Employment and Housing proposes to allocate the above position to the CEA category. The Deputy Director is responsible for establishing and maintaining the Housing Program's internal policies and programs and the Department's external education and prevention program. This position also oversees the Department's Mediation Program which focuses on housing discrimination.

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO
ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS**

**REGIONAL ADMINISTRATOR, REGION 4, DEPARTMENT OF
CORRECTIONS AND REHABILITATION**

The Department of Corrections and Rehabilitation's request to allocate the above position has been approved effective November 30, 2007.

**REGIONAL ADMINISTRATOR, REGION 5, DEPARTMENT OF
CORRECTIONS AND REHABILITATION**

The Department of Corrections and Rehabilitation's request to allocate the above position has been approved effective November 30, 2007.

**REGIONAL ADMINISTRATOR, REGION 6, DEPARTMENT OF
CORRECTIONS AND REHABILITATION**

The Department of Corrections and Rehabilitation's request to allocate the above position has been approved effective November 30, 2007.

**DEPUTY PROJECT DIRECTOR, WORKFORCE MANAGEMENT HR
MODERNIZATION PROJECT**

The Department of Personnel Administration's request to allocate the above position has been approved effective December 5, 2007.

DEPUTY DIRECTOR, CONSOLIDATED CARE CENTERS

The Department of Corrections and Rehabilitation's request to allocate the above position has been approved effective December 7, 2007.

COLEMAN COMPLIANCE MANAGER

The Department of Corrections and Rehabilitation's request to allocate the above position has been approved effective December 7, 2007.

CHIEF, OFFICE OF PUBLIC AFFAIRS

The Department of Food and Agriculture's request to allocate the above position has been approved effective December 7, 2007.

ASSISTANT EXECUTIVE OFFICER, BOARD OF PHARMACY

The Department of Consumer Affairs' request to allocate the above position has been approved effective December 7, 2007.

ACTION: NOTED

26. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(c)(3), 18653.]

NO ACTION

27. WRITTEN STAFF REPORT FOR BOARD INFORMATION

NONE

28. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY

NONE

29. BOARD ACTIONS ON SUBMITTED ITEMS

ACTION: See Minutes on pages 17

A D J O U R N M E N T

WHAT FOLLOWS IS A RECORD OF ACTIONS TAKEN ON THE FOLLOWING MATTERS:

20. EVIDENTIARY CASES

A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting.

On January 8, 2008, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Costigan, Sheehan, Tom, Clarey – Aye

(1) CASE NO. 05-4007EA

Appeal from denial of discrimination complaint

Classification: Outside contractor

Department: Department of Transportation

Proposed decision rejected December 19, 2006.

Pending oral argument April 3, 2007, Sacramento.

Oral argument continued.

Oral argument heard July 10, 2007, Sacramento.

Case ready for decision by FULL Board.

NO ACTION

(2) CASE NO. 06-3014PA

Appeal from official reprimand

Classification: Correctional Sergeant

Department: Department of Corrections and Rehabilitation

Petition for rehearing granted July 10, 2007.

Transcript prepared.

Pending oral argument October 9, 2007, Sacramento.

Oral argument continued.

Oral argument heard December 4, 2007, San Francisco

Case ready for decision by FULL Board.

NO ACTION

3) CASE NO. 06-1413PA

Appeal from five percent reduction in salary for six months

Classification: Registered Nurse
Department: Department of Corrections and Rehabilitation

Petition for rehearing granted August 7, 2007.
Transcript prepared.
Oral argument heard December 4, 2007, San Francisco.
Case ready for decision by FULL Board.

ACTION: The Board issued a resolution adopting the ALJ's Proposed Decision.

(4) CASE NO. 06-2010A

Appeal from medical termination
Classification: Administrative Support Coordinator II
Department: California State University, Los Angeles

Proposed decision rejected May 8, 2007.
Transcript prepared.
Oral argument heard August 7, 2007, Pasadena.
Case ready for decision by FULL Board.

ACTION: The Board issued a non-precedential decision sustaining the automatic resignation. President Harrigan dissented.

(5) CASE NO. 05-1043P

Appeal from dismissal
Classification: Tax Counsel, Range D
Department: Board of Equalization

Petition for rehearing granted June 5, 2007.
Transcript prepared.
Oral argument heard October 9, 2007, Sacramento.
Case ready for decision by FULL Board.

ACTION: The Board issued a non-precedential decision sustaining the dismissal. President Harrigan dissented in part. Board Member Tom recused herself from this case and did not participate in oral arguments or deliberations related thereto.

(6) PSC No. 07-02, CASE NO. 07-003 (b)

Appeal from Executive Officer's disapproval of contract
Classification: Janitorial Services
Department: Department of Health Services

Petition for rehearing granted May 8, 2007.
Oral argument heard September 4, 2007, Sacramento.

Case ready for decision by FULL Board.

NO ACTION

(7) PSC No. 07-04

Appeal from Executive Officer's disapproval of Personal Services
Contract for Psychological Services

Department: Department of Mental Health

Oral argument heard December 4, 2007, San Francisco.

Case ready for decision by FULL Board.

NO ACTION: The decision in PSC 07-04 will be resubmitted for the
March 3-4, 2008 Board meeting.

B. CASES PENDING

ORAL ARGUMENTS

These cases were on calendar to be argued at this meeting or to be
considered by the Board in closed session based on written arguments
submitted by the parties.

NONE

C. CHIEF COUNSEL RESOLUTIONS

NONE

COURT REMANDS

NONE

STIPULATIONS

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

The Administrative Law Judges conduct evidentiary hearings in appeals that
include, but are not limited to, adverse actions, medical terminations,
demotions, discrimination, reasonable accommodations, and whistleblower
complaints.

PROPOSED DECISIONS

These ALJ proposed decisions were submitted to the Board for the first time.

On January 8, 2008, the Board took the following action on the cases listed as presented by Elise S. Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Costigan, Sheehan, Tom, Clarey – Aye

- (1) **CASE NOS. 05-0663E & 05-0682E**
Appeal from whistleblower retaliation & discrimination complaint
Classification: Assistant Chief
Department: Department of California Highway Patrol
ACTION: The Board adopted the ALJ's Proposed Decision
- (2) **CASE NO. 07-1760 & CASE NO. 07-1848**
Appeals from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board rejected the ALJ's Proposed Decision
- (3) **CASE NO. 06-2333***
Appeal from ten percent reduction in salary for 12 months
Classification: Correctional Lieutenant
Department: Department of Corrections & Rehabilitation
- (4) **CASE NO. 06-1286***
Appeal from dismissal
Classification: Youth Correctional Counselor
Department: Department of Corrections & Rehabilitation
- (5) **CASE NO. 06-3776***
Appeal from dismissal
Classification: State Facilities Manager I
Department: Department of General Services
- (6) **CASE NO. 07-1418***
Appeal from ten percent reduction in salary for twenty-four months
Classification: Correctional Officer
Department: Department of Corrections & Rehabilitation

*This matter was erroneously omitted from the Agenda. The matter will be re-agendized for the Board's action, and, as taken at the January 8, 2008, meeting, will be ratified at the February 22, 2008 Board Meeting.

- (7) **CASE NO. 07-1243***
Appeal non-punitive termination
Classification: Automotive Equipment Operator I
Department: Department of Developmental Services
- (8) **CASE NOS. 98-4118B & 99-0772B***
Appeals from back-pay determination
Classification: Institution Artist/Facilitator
Department: Department of Corrections & Rehabilitation
- (9) **CASE NO. 06-0060***
Appeal from dismissal
Classification: Medical Technical Assistant
Department: Department of Corrections & Rehabilitation
- (10) **CASE NO. 07-1058***
Appeal from ten percent reduction in salary for six months
Classification: Correctional Counselor II
Department: Department of Corrections & Rehabilitation
- (11) **CASE NO. 06-4038***
Appeal from five percent reduction in salary for six months
Classification: Correctional Officer
Department: Department of Corrections & Rehabilitation
- (12) **CASE NO. 06-0973***
Appeal from dismissal
Classification: Stationary Engineer, Correctional Facility
Department: Department of Corrections & Rehabilitation
- (13) **CASE NO. 07-0579***
Appeal from dismissal
Classification: Psychiatric Technician Assistant
Department: Department of Mental Health
- (14) **CASE NO. 07-0580***
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections & Rehabilitation
- (15) **CASE NO. 07-0365***
Appeal from dismissal
Classification: Facility Captain
Department: Department of Corrections & Rehabilitation

*This matter was erroneously omitted from the Agenda. The matter will be re-agendized for the Board's action, and, as taken at the January 8, 2008, meeting, will be ratified at the February 22, 2008 Board Meeting.

- (16) **CASE NO. 07-1280***
Appeal from five-day suspension
Classification: Fraud Investigator
Department: Department of Health Services
- (17) **CASE NO. 06-3747***
Appeal from dismissal
Classification: Parole Agent I
Department: Department of Corrections & Rehabilitation

PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT PRIOR MEETING

NONE

PROPOSED DECISIONS AFTER BOARD REMAND

NONE

PROPOSED DECISIONS AFTER SPB ARBITRATION

NONE

E. PETITIONS FOR REHEARING

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

The Board voted to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

On January 8, 2008, the Board took the following action on the cases listed as presented by Elise S. Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Costigan, Sheehan, Tom, Clarey – Aye

- (1) **CASE NO. 06-2727P**
Appeal from dismissal
Classification: Officer
Department: Department of California Highway Patrol
ACTION: DENIED
- (2) **CASE NO. 05-3515P**
Appeal from rejection during probationary period
Classification: Deputy Attorney, Caltrans
Department: Department of Transportation

*This matter was erroneously omitted from the Agenda. The matter will be re-agendized for the Board's action, and, as taken at the January 8, 2008, meeting, will be ratified at the February 22, 2008 Board Meeting.

ACTION: The Board denied the Petition for Rehearing and will issue a Resolution vacating its prior decision and ordering that the Proposed Decision be resubmitted at a future meeting.

- (3) **CASE NO. 06-1067P**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: DENIED
- (4) **CASE NO. 06-1338AP**
Appeal from rejection during probationary period
Classification: Industrial Relations Counsel III (Specialist)
Department: Department of Industrial Relations
ACTION: DENIED
- (5) **CASE NO. 07-0386P**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: DENIED

WHISTLEBLOWER NOTICE OF FINDINGS

The Board voted to grant or deny a petition for rehearing filed by one or both parties, regarding a case previously decided pursuant to Government Code, section 19683 et seq. and Title 2, California Code of Regulations, section 56 et seq.

NONE

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

On January 8, 2008, the Board took the following action on the cases listed as presented by Elise S. Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Costigan, Sheehan, Tom, Clarey – Aye

- (1) **CASE NO. 07-0850A**
Appeal from non-punitive termination
Classification: Clinical Social Worker
Department: Department of Corrections and Rehabilitation

Proposed decision rejected September 24, 2007.

Transcript prepared.
Oral argument set for February 4-5, 2008, Sacramento*.
NO ACTION

- (2) **CASE NO. 05-3327A**
Appeal from dismissal
Classification: Medical Technical Assistant
Department: Department of Corrections and Rehabilitation

Proposed decision rejected July 10, 2007.
Transcript prepared.
Oral argument set for February 4-5, 2008, Sacramento*.
NO ACTION

21. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board was presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

On January 8, 2008, the Board took the following action on the cases listed as presented by Elise S. Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Costigan, Sheehan, Tom, Clarey – Aye

WITHHOLD FROM CERTIFICATION CASES HEARD BY A STAFF HEARING OFFICER

NONE

WITHHOLD FROM CERTIFICATION CASES NOT HEARD BY A STAFF HEARING OFFICER

- (1) **CASE NO. 06-2534N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; omitting pertinent information and negative law enforcement contacts.
ACTION: DENIED

*The February 4-5, 2008, meeting was cancelled. These items have been rescheduled for the March Board Meeting.

- (2) **CASE NO. 06-2605N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; failure to supply documentation timely.
ACTION: DENIED
- (3) **CASE NO. 06-2657N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; injection of an illegal drug.
ACTION: DENIED
- (4) **CASE NO. 06-3165N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; negative employment record.
ACTION: DENIED
- (5) **CASE NO. 06-2544N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; job termination within one year of the CDCR application.
ACTION: DENIED

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

NONE

C. EXAMINATION APPEALS
MINIMUM QUALIFICATIONS
MERIT ISSUE COMPLAINTS

NONE

D. RULE 211 APPEALS
RULE 212 OUT OF CLASS APPEALS
VOIDED APPOINTMENT APPEALS

NONE

E. REQUEST TO FILE CHARGES CASES

Investigated by Appeals Division staff. The Board was presented recommendations by Appeals Division staff for final decision on each request.

(1) CASE NO. 06-0998N

Classification: Correctional Officer

Department: California Department of Corrections & Rehabilitation

Issue: The charging party requests to file charges against employees of the California Department of Corrections & Rehabilitation.

ACTION: WITHDRAWN BY STAFF

PETITIONS FOR REHEARING CASES

NONE

SUBMITTED

1. **TEACHER STATE HOSPITAL (SEVERELY), ETC.**
Departments of Mental Health and Developmental Services.
(Hearing held December 3, 2002.)
2. **VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES)**
Departments of Mental Health and Developmental Services.
(Hearing held December 3, 2002.)
3. **TELEVISION SPECIALIST (SAFETY)**
The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added.
(Presented to Board March 4, 2003.)
4. **HEARING – Personal Services Contract #04-03**
Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief.
(Hearing held August 12, 2004.)
5. **CASE NO. 05-4007EA**
Appeal from denial of discrimination complaint. Outside contractor. Department of Transportation.
(Oral argument held July 10, 2007.)
6. **PERSONAL SERVICES CONTRACT NO. 07-02, CASE NO. 07-003(b)** Appeal in the matter of the Executive Officer's disapproval of the Janitorial Services contract. Department of Health Services.
7. **CASE NO. 06-3014PA.** Appeal from official reprimand. Correctional Sergeant. Department of Corrections and Rehabilitation.
(Oral argument held on December 4, 2007.)
8. **PERSONAL SERVICES CONTRACT NO. 07-04.** Appeal from Executive Officer's disapproval of Personal Services Contract for Psychological Services. Department of Mental Health.
(Oral argument held on December 4, 2007.)

NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE SECTION 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

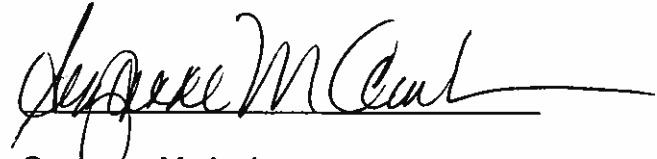
WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting held on February 22, 2008.

VOTE: Harrigan, Sheehan, Tom, Costigan – Aye

A handwritten signature in black ink, appearing to read "Suzanne M. Ambrose", written over a horizontal line.

Suzanne M. Ambrose
Executive Officer
California State Personnel Board